

MINUTES OF A MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION

Held in Commission Office, State Capitol, January  
22nd, 1943.

The regular meeting of the State Water Conservation Commission was called to order at 9:45 a.m., Friday, January 22, 1943, in the Commission office at the Capitol, Bismarck, Lt. Governor Henry Holt acted as Chairman in the absence of the Governor, at the express request of the Governor. Roll was called with Lt. Governor Holt, Commissioner Thompson and Dahl present. Commissioner Simons absent.

It was moved by Commissioner Thompson and seconded by Commissioner Dahl, that the minutes of the January 5, 1943 meeting be approved and placed on file. Motion carried, all Commissioners voting aye.

With reference to obtaining \$750.00 for U.S. Geological Survey, the Secretary was instructed to check our balance to see if sufficient funds can be withdrawn from other items with the consent of the Emergency Commission.

The Secretary reported receiving a letter from U.S. Senator Wm. Langer, a member of the Irrigation Committee of that body, requesting all available material on Water Conservation projects now in the office of the Commission. The Secretary was instructed to forward such material to the Senator, this information to consist of the reviews and tabulation of the projects on file.

Commissioner Simons and Mr. Harry Polk came into the meeting. Mr. Polk is Chairman of the Legislative Committee of the State Reclamation Association.

The Secretary read a letter received from the War Department, Fort Peck, Montana, dated January 12, 1943, requesting that the Commission submit plans for the proposed construction of the Bismarck Victory Garden Irrigation Ditch, Project No. 326, to the U.S. Army Engineers for their approval. The Secretary was instructed to submit these plans to Fort Peck.

With reference to work to be done by Mr. Fredrickson for the Commission, Lt. Governor Holt stated that the Tri-State Waters Commission was asking that the Red Lake-Clearwater Project be given a war project status, inasmuch as critical materials would not be required for this job. This project was submitted as such, more or less at the request of the St. Paul office. Lt. Governor Holt suggested that Mr. Fredrickson might get in touch with Mr. Robert L. Bard, Executive Secretary of the Tri-State Waters Commission to obtain all the information necessary to consult with the Army Engineers in St. Paul. Lt. Governor Holt stated that this project was a flood control project and would enable farmers to raise crops on that land which formerly was flooded.

Mr. C. F. Kelach, Assistant Attorney General, and Mr. J. C. Eaton of Towner, came into the meeting, regarding the Mouse River Controversy.

After considerable discussion, it was decided that the Commission should ask the Governor to write to Mr. Gabrielson and to the Secretary of Agriculture, explaining the troubles on this stream and attempt to obtain an amiable settlement of the troubles. Mr. Kelach explained that the Commission could not institute a suit on behalf of the water users on the stream against the Government, but that the users themselves would have to institute their own proceedings and the Commission could then aid them to an extent.

The following motion was presented by Commissioner Simons and seconded by Commissioner Thompson: "I move this Commission ask the Governor, as Chairman of the Commission, to take up with appropriate agencies of the federal government the matter of the use of the water in the Mouse River on the basis of information which is now available to the Commission in an effort to adjust the matter in the best way for everyone concerned; and that Mr. Fredrickson be instructed to acquaint himself with the details of this matter and to make adequate representations on behalf of the Commission to the proper officials in Washington."

Roll was called with Commissioners Simons, Thompson, Dahl and Lt. Governor Holt voting aye. Motion carried.

Mr. Eaton left the meeting.

Mr. Polk explained an amendment to Section 8270, 1913 Code, which had been introduced into the House, following a meeting with the Irrigation Committee of the House.

Lt. Governor Holt left the meeting. Commissioner Dahl was requested to preside.

Commissioner Simons stated that each bill would have to be presented to the House or Senate in six copies. The Secretary explained that he had been asked to draft a bill on dam taxation, similar to South Dakota's and Kansas' and also a bill on teaching conservation in schools. It was Mr. Polk's opinion that rather than a bill, a concurrent resolution should be presented on teaching conservation. Mr. Polk also felt that it would be impossible to get the teaching of conservation through in the grades, but rather only college.

Mr. Kelsch passed out copies of the draft he prepared on the Post-War Period Appropriation. Considerable discussion followed on this bill. Commissioner Simons suggested that it ought to be stated in the bill that a portion of the money is for the purpose of preparing specifications and legal and financial set-ups, the balance being spent on such projects as various agents of the federal government decide they want to build for the Commission. Commissioner Thompson suggested that the following be incorporated in the proposed bill: "WHEREAS, the State Water Commission has presented to the federal government projects of the entire state in the amount of \$365,000,000.00 for investigation with the view of having a shelf of projects ready for post-war construction." Mr. Kelsch suggested that the Federal Bureau be named: Bureau of Reclamation, U.S. Army Engineers, and Soil Conservation Service. Mr. Kelsch requested that a statement of \$365,000,000.00 proposed projects be given to him. Mr. Polk felt if the bill were drawn in that form the funds could be used to cooperate with the federal government on these projects.

Meeting recessed at 11:50 a.m., to reconvene at 1:30 p.m.

Meeting reconvened at 1:45 p.m. with Commissioners Dahl, Thompson and Simons present.

Also present were: Mr. Jack Williams, Adjutant of the North Dakota Department of the American Legion, Fargo, North Dakota, Mr. Harry Polk, Chairman of the Commission's Irrigation Committee, Williston, North Dakota, and Mr. Clem Kelsch, Assistant Attorney General, Bismarck, North Dakota.

Mr. Williams asked why the Commission intended to introduce one bill (Administrative expense) in the House, and the other (post-war appropriation) in the Senate. He suggested that both should be sent through the House as soon as possible. After

some discussion, it was decided to send the Administrative expenses bill through the Appropriations Committee of the House and the post-war appropriation bill through the Irrigation Committee of the Senate. Bills to be presented by Wednesday, January 27, 1943.

Mr. Polk presented the concurrent Resoluition (National Reclamation Association) for the discussion of the Commission. It was suggested that the last paragraph of the resoluition be deleted. Other than that the resoluition was approved and handed back to Mr. Polk to prepare for presentation to the Legislature.

Commissioner Sinons suggested that the Commission attempt to get the federal government to handle a Bismarck Irrigation Farm, as a branch of the Experimental Station in Mandan. It was suggested that our Congressional delegates be contacted in this respect.

Mr. Williams left the meeting.

The question was raised as to how the Commission could help counties on the matter of draining ditches. It was suggested that the Commission could furnish engineering services at cost. It was also suggested that maintenance of existing dams be placed in this bill. The bill would be presented to the Committee on Counties of the House. It was suggested that Cass County Representative (Mr. Bergesen) and Mr. William J. Braun of Wahpeton prepare this bill to be worked through the Irrigation Committee.

Mr. Maurice S. Aker, Hankinson, North Dakota, member of the House, and Mr. Iver Acker came into the meeting.

Lengthy discussion followed on the proposed North Dakota conservancy District Law. Mr. Kelsch and Commissioner Thompson are to work on that in the next few days.

Mr. Harry Polk left the meeting.

Mr. Milton K. Higgins, Assistant Attorney General, and Mr. A. J. Sandness, of LaMoure, North Dakota, Chairman of the Irrigation Committee of the House, came into the meeting.

Mr. Aker and Mr. Kelsch left the meeting.

Mr. Higgins explained the various steps he has taken to ascertain who is the rightful owner of the so-called Harke land, in connection with the Harke Condemnation proceedings in the attempt to purchase a right-of-way for the Bismarck Victory Garden irrigation ditch. Commissioner Thompson suggested that Mr. Higgins consult with the Attorney for the Highway Commission, since he likely has had experience in similar matters.

The Secretary was requested to write a letter to the Northern Pacific Railway Company, asking them for a map of the Old Spur Track under the railroad bridge.

Mr. Higgins requested that he be given copies of the plats the Commission obtains, re: -- Harke land, Bismarck Victory Garden Project.

Mr. Higgins left the meeting.

The Secretary was requested to write to the County Auditor, informing him why the Commission has stopped condemnation proceedings temporarily, which

had been started against Mr. August C. Harke, Bismarck.

Mr. Aker and Mr. Sandness left the meeting.

Meeting recessed for a matter of fifteen minutes, and reconvened with Commissioner Dahl, Comm. Thompson and Comm. Simons present.

Mr. Targie Trydahl, Thompson, North Dakota, member of the Budget Board, came into the meeting.

The Secretary read a letter received from Mr. Page, Commissioner, Bureau of Reclamation, dated January 19, 1943, regarding Conservancy District Legislation. The Secretary was requested to send the desired information to Commissioner Page.

The Secretary was requested to contact Senators Nye and Langer and Representatives Burdick and Lenke to ask them to work on the modification of the law creating Fort Peck. The Secretary was also asked to contact Mr. Hagie, for his ideas on it.

Motion was made by Commissioner Simons and seconded by Commissioner Thompson that the Secretary be directed on behalf of the Commission to advise the State Engineers of Wyoming, Montana and Commissioner Clyde Seavey, "That the proposed changes in the Yellowstone River Compact," are satisfactory to the State Water Conservation Commission of North Dakota for inclusion in the compact." Roll was called with Commissioners, Simons, Thompson and Dahl voting aye. Governor Moses absent.

The Secretary was requested to contact the Regional Director of the Federal Works Agency in St. Paul in an effort to obtain the WPA project records, which may be of value to the Commission in the post-war planning program. (Regional Director is E. B. Curry, 13th floor, City Hall and County Courthouse, St. Paul, Minnesota.)

The Secretary was requested to send all available information to Mr. Floyd Jennings on the subject of Regional Planning.

With reference to the information on the State Planning Board requested by the Federal Reserve Bank of St. Paul, the Secretary was requested to inform them of the Governor's recommendation for post-war rehabilitation appearing in the Governor's message to the State Legislature.

The Commission authorized the hiring of a stenographer for Mr. Harry Polk's office during the Session, at the rate of seventy-five cents per hour.

The Secretary was requested to notify the North Dakota Reclamation Association, Greater North Dakota Association, American Legion, railroads, Farmers Union, etc., of the changes in the budget request to the Legislature.

Meeting adjourned at 5:45 p.m.

Respectfully submitted,

  
Secretary

ATTEST:

  
Chairman

(SEAL)

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NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
MONTHLY REPORT OF ACCOUNTS AS OF DECEMBER 31, 1942  
1941-1943 Appropriation

No.	Account	Total Approp. 24 mo.	Expended to 11-30-42	December expense	Total expend. 12-31-42	Total Refunds	Balance Available next 6 mo.	Balance Available Per month
1	Commissioners Per Diem	3,000.00	1,621.00	84.00	1,705.00		1,295.00	215.83
2	Administration (Admin. Bal. due 1937-41 approp.)	25,000.00 4,696.41	31,283.99	2,869.17	34,153.16	12,508.91	8,052.16	1,342.02
3	Construction Bond Guarantee (Bal. due 1939-41 approp.)	40,000.00 35,300.00	1,800.00		1,800.00		73,500.00	12,250.00
4	Maintenance Existing Dams	4,000.00	3,460.58		3,460.58	*2,032.58	2,572.00	428.66
5	Engineering and Soil Survey	1,000.00	477.00		477.00		523.00	87.16
6	Little Missouri, Grand, Cannon- ball	700.00	517.18		517.18		182.82	30.47
7	Pembina, Tongue, Park, etc.	250.00	60.00		60.00		190.00	31.66
8	James, Wildrice, Rivers, etc.	150.00					150.00	25.00
9	Invest. Surveys, Designs, etc.	2,000.00	1,288.35		1,288.35	26.92	738.57	123.09
10	Evaluation Economic Benefits	300.00	57.94		57.94		242.06	40.34
11	Reports and Attendance at Conf.	1,500.00	1,114.37		1,114.37		385.63	64.27
12	Tri-States Waters Commission	7,500.00	4,032.99	212.50	4,245.49		3,254.51	542.41
13	Indep. Investigations & Reports	1,000.00	651.19	50.00	701.19		298.81	49.80
14	International and Interstate	1,500.00	653.61	94.49	748.10		751.90	125.31
15	Topographic Mapping	3,000.00	2,237.34		2,237.34		762.66	127.11
16	Cooperation in Obtaining Water Pa.	3,000.00	1,999.44		1,999.44	12.80	1,013.36	168.89
17	Designs Reports and Conference	500.00	291.90		291.90		208.10	34.68
18	Salary State Engineer	4,400.00	3,116.61	183.33	3,299.94		1,100.06	183.34
19	Hydrographic Survey	3,500.00	2,412.52	131.83	2,544.35		955.65	159.27
		\$ 142,296.41	57,076.01	3,625.32	60,701.33	14,581.21	96,176.29	16,029.31

\* Money received from Game and Fish Department, for payment of work done on Lisbon Dam. This \$582.58 was spent on June, 1942.